IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6967 of 2006()

CC.314/2004 of J.M.F.C.,OTTAPPALAM
CRIME NO.84/04 OF CHERPLASSERY POLICE STATION

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PETITIONERS/ACCUSED 2 AND 3:

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1. SHINOY, S/O. SUKUMARAN,
   KALLIVALAPPIL HOUSE, MINALUR VILLAGE,
   THALAPPALLY TALUK, TRICHUR DISTRICT.

2. RAJESH, S/O. MADHAVAN,
   KARIYALTHODI HOUSE, MULAYANKAVU P.O.,
   KULAKKALLUR VILLAGE, OTTAPPALAM TALUK,
   PALAKKAD DISTRICT.

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
   CHERPLASSERY POLICE STATION,
   PALAKKAD DISTRICT. (CRIME NO.84/2004)

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 6967 OF 2006

DATED THIS THE **27th** DAY OF NOVEMBER, 2006

O R D E R

Petitioners who are accused Nos.2 and 3 in Crime No.84/04 of Cherplassery Police Station for offences punishable under sections 143, 147, 148, 341, 324, 326 and 506(ii) read with section 149 IPC, seek bail.

2. Consequent on the non-appearance of the petitioners in C.C.No.314/04 before the J.F.C.M., Ottappalam, non-bailable warrants of arrest are pending against the petitioners. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the trial court. Accordingly, if the petitioners surrender before the trial court and file an application for regular bail within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioners for their previous non-appearance.

With this observation, this bail application is dismissed.

V.RAMKUMAR, JUDGE

dsn